

1. *Phragmites* (Common Reed)

08 JUN -2 AM 11:01

Magistrate Docket No.

'08 MJ 17 23

COMPLAINT FOR VIOLATION OF DUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

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SIGNATURE OF _____

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

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UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Mauricio FIGUEROA-Ordone**PROBABLE CAUSE STATEMENT**

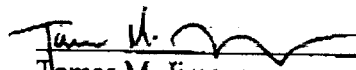
I declare under the penalty of perjury that the following statement is true and correct:

On May 31, 2008 at approximately 5:15 AM, Border Patrol Agent A. Martinez was performing line watch duties in the Imperial Beach Border Patrol Station's Area of Responsibility. At that time, Agent Martinez was advised by the Inside Scope Operator that two individuals were walking northbound in an area commonly known as the "39 Bowl," which is approximately 300 yards north of the United States/Mexico International Boundary. This area is frequently used by undocumented immigrants to gain illegal entry into the United States and is located approximately three miles west of the San Ysidro, California Port of Entry.

Upon arriving at the location, Agent Martinez observed two individuals, one of whom was later identified as the defendant, **Mauricio FIGUEROA-Ordone**, running northbound. Agent Martinez approached the individuals, who were attempting to conceal themselves behind a house, and identified himself as a Border Patrol Agent and questioned them regarding their citizenship, nationality and immigration documentation. The defendant admitted to having entered the United States without inspection, and that he was a citizen and national of Mexico. The defendant also stated that he was not in possession of immigration documents that would allow him to enter or remain in the United States legally. At approximately 5:35 AM, Agent Martinez arrested **FIGUEROA** and he was transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on April 10, 2006 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 1st 2008 at 10:00 a.m.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 31, 2008 in violation of Title 8, United States Code, Section 1326.


Leo S. Papas
United States Magistrate Judge

6/1/08 - 1036 AM
Date/Time